

**EPSTEIN
BECKER
GREEN**

Attorneys at Law

Jeffrey H. Ruzal
t 212.351.3762
f 212.878.8600
JRUZAL@ebglaw.com

July 27, 2022

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18D
New York, New York 10007

**Re: *Hess and Padilla v. Bed Bath & Beyond, Inc.*
Index No. 1:21-cv-4099-AT-RL**

Dear Judge Lehrburger:

The undersigned represents Defendant Bed Bath & Beyond, Inc. (“BBB”) in this matter and writes on behalf of all parties to provide a status update pursuant to Your Honor’s Order, dated November 30, 2021 (ECF No. 45).

BBB will file its consolidated brief in support of its motion to dismiss the Second Amended Complaint and its opposition to Plaintiffs’ motion for leave to file the Third Amended Complaint on or before the August 12, 2022 deadline. (ECF No. 97.) If the Court permits Plaintiffs to file the Third Amended Complaint, the parties respectfully request a status conference with the Court to discuss a discovery schedule given that the Third Amended Complaint greatly expands the definition of the putative class and would entail significantly more discovery than the Second Amended Complaint.

BBB has diligently worked to collect and produce documents and data concerning the sampled employees. To date, it has produced relevant personnel documents for 265 out of the 308 sampled employees. It will produce the remaining documents it has agreed to produce for the sampled employees, including relevant personnel records for the remaining 43 sampled employees, to the extent it is able to locate them, by August 19, 2022.

Plaintiff’s Position. Plaintiffs’ position remains that BBB’s responses to Plaintiffs’ document requests and interrogatories to date have been inadequate. However, Defendant has indicated that it will complete its document production by August 19, 2022. Upon the full production, Plaintiffs will have a better understanding of the remaining discovery disputes, if any, and reserve the right to raise such issues after August 19, 2022 in the event those discovery disputes cannot be resolved through good faith efforts.

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The parties are readily available to address any questions or issues with respect to the foregoing that Your Honor may have. Thank you for Your Honor's attention to this matter.

Respectfully submitted,

/s/ Jeffrey H. Ruzal

Jeffrey H. Ruzal

cc: Steven J. Moser, Esq. (via ECF)